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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/089,402	06/03/1998	HARUHIKO MURATA	P7314-8005	2801

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/089,402

Applicant(s)
Murata et al.

Examiner
Luong Nguyen

Art Unit
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 23, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 8/23/2002 have been fully considered but they are not persuasive.

In re page 2, Applicants argue that neither Kinjo nor Nishida provide the ability to detect information relating to, for example, the “speed” of the moving object and adjusting the shutter speed of the diaphragm on the basis of the amount of the movement of the object.

In response, regarding claim 7, it is noted that the feature “detect information relating to the “speed” of the moving object and adjusting the shutter speed of the diaphragm on the basis of the amount of the movement of the object” is not recited in claim 7. The Applicant claimed claim 7 with the limitation “means for detecting information relating to the movement of an object on the basis of an output of the imaging device.” The Examiner considers that claim 7 as claimed still do not distinguish over Kinjo patent in view of Nishida patent. Kinjo discloses means for detecting information relating to the movement of an object as main object detecting circuit 30 (figure 1, column 6, line 43 through column 7, line 11).

In re page 4, Applicants argue that Nakano does not actually control the exposure of the initial image, but, rather “corrects” the images after they are captured.

In response, regarding claim 6, it is noted that the feature “control the exposure of the initial image” is not recited in claim 6. The Applicants claimed claim 6 with the limitation “means

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for temporarily storing a plurality of image and retaining, when the shutter is released, only the picked-up image in which the movement of the object is the smallest out of the picked-up images temporarily stored before and after the shutter is released.” The Examiner considers that claim 6 as claimed still do not distinguish over Kinjo patent in view of Nishida patent further in view of Nakano et al. patent. Nakano et al. disclose an electronic still camera in which in the before/after photographing mode, when the shutter button 15 is depressed, a plurality of images which have been taken before and after the shutter operation are stored in memory 22. Furthermore, the image having most less blurring phenomenon (the movement of the object is smallest) can be selected and then recorded on the floppy disk 28 (figures 1, 11-12, column 14, lines 53-63).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 5,289,227) in view of Nishida (US 5,210,566).

Regarding claim 7, Kinjo discloses a method of automatically controlling taking exposure and focus of a camera, comprising an imaging device, disclosed as an image sensor 20 (figure 1, column 6, line 15); means for detecting information relating to the movement of an object,

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disclosed as main object detecting circuit 30 (figure 1, column 6, line 43 through column 7, line 11); exposure determination means (determination of a taking exposure amount, column 1, lines 10-20; column 12, lines 22-53); exposure correction means, disclosed as taking exposure control circuit 34 (figure 1, column 7, lines 12-45). Kinjo fails to specifically disclose wherein the information relating to the movement of the object is motion vectors respectively corresponding to a plurality of detecting areas set in an imaging area of the imaging device. However, Nishida discloses motion vector detecting circuit for detecting the motion of the image from two continuous image frames (column 3, lines 55-60; column 4, lines 67-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kinjo by the teaching of Nishida in order to detect the amount of movement the image between a pair of frames, and to compute what amount of the image has moved by in which direction.

Regarding claims 2-5, Kinjo discloses the exposure correction means corrects the shutter speed, the diaphragm, the gain and the strobo flashing (figure 1, column 7, lines 27-58).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 5,289,227) in view of Nishida (US 5,210,566) further in view of Nakano et al. (US 5,043,816).

Regarding claim 6, Kinjo and Nishida fail to specifically disclose means for temporarily storing a plurality of image and retaining, when the shutter is released, only the picked-up image in which the movement of the object is the smallest out of the picked-up images temporarily

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stored before and after the shutter is released. However, Nakano et al. disclose an electronic still camera in which in the before/after photographing mode, when the shutter button 15 is depressed, a plurality of images which have been taken before and after the shutter operation are stored in memory 22. Furthermore, the image having most less blurring phenomenon (the movement of the object is smallest) can be selected and then recorded on the floppy disk 28 (figures 1, 11-12, column 14, lines 53-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus in Kinjo and Nishida by the teaching of Nakano et al. in order to obtain a novel electronic camera capable of confirming the taking of a picture which has the best image quality regardless the blurring phenomenon occurs when the shutter button is depressed (column 2, lines 19-20, column 15, lines 46-54).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

LN LN
11/15/2002


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